

Exhibit A

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AIMS INSTITUTE, PLLC, <i>et. al.</i> ,)	
)	
<i>Plaintiffs,</i>)	
)	
V.)	
)	
MERRICK GARLAND, <i>et. al.</i> ,)	Civil Action H-22-02396
)	
<i>Defendants.</i>)	

**DEFENDANTS' RESPONSES TO PLAINTIFF'S
DOCUMENT REQUESTS**

Defendants, by and through their undersigned representative, hereby submit the following responses to Plaintiffs' document requests in anticipation of the Federal Rule of Civil Procedure 30(b)(6) deposition in this matter as follows.

PRELIMINARY STATEMENT AND PRESERVATION OF RIGHTS

Defendants reserve the right to supplement, clarify, revise, or correct any or all of the responses to Plaintiffs' document requests ("Requests"). By answering these Requests, Defendants do not waive and hereby reserve their right to assert any and all objections to the admissibility of any such documents, in this or any other proceeding, on any and all grounds.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Internal FOIA staff manuals or documents distributed, used, or relied upon by DEA or DOJ personnel to process and respond to FOIA requests.

Response: Defendants object to this Request as vague as it pertains to the terms “documents” and “relied upon.” Defendants object to this Request to the extent it does not specify a timeframe for which it seeks documents. Defendants further object to this Request as being unduly burdensome, overbroad, and not relevant to any of Plaintiffs’ allegations in this matter or proportional to the needs of the case. Defendants also object to this Request to the extent it seeks documentation protected by the attorney work product doctrine and information protected by attorney-client privilege. Defendants further object to this Request on the grounds that it seeks information that is protected by the law enforcement investigatory privilege, is pre-decisional or protected by the deliberative process privilege, or invades the personal privacy of individuals not a party to this lawsuit. Defendants will interpret this Request as providing all non-privileged Standard Operating Procedures used by DEA’s FOIA Unit in processing and responding to FOIA requests.

Subject to this interpretation and without waiving these objections, Defendants respond as follows: all non-privileged documents that are responsive to this Request are produced by Defendants electronically and identified by Bates numbers DEA000001 – DEA000171.

REQUEST NO. 2: All written (public and non-public) policies for processing FOIA requests.

Response: Defendants object to this Request as vague as it pertains to the terms “non-public” and “policies.” Defendants object to this Request to the extent it does not specify a timeframe for which it seeks documents. Defendants further object to this Request as being unduly burdensome, overbroad, and not relevant to any of Plaintiffs’ allegations in this matter or proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks information protected by the law enforcement investigatory privilege, is pre-decisional or protected by the deliberative process privilege, or that invades the personal privacy of individuals not a party to this lawsuit. Defendants further object to this Request to the extent it is duplicative with Plaintiffs’ Request No. 2 above.

Without waiving these objections, Defendants respond as follows: to the extent the responsive documents to this Request are duplicative of Request No. 2, see the previous response. All non-privileged documents that are responsive to this Request are produced by Defendants electronically and identified by Bates numbers DEA-

000172 – DEA00354

Defendants also direct Plaintiffs to the following publicly available documents (with links) responsive to this Request:

- DOJ FOIA Regulations, 28 CFR Part 16: <https://www.ecfr.gov/current/title-28/chapter-I/part-16>
- DOJ Guide to the FOIA: <https://www.justice.gov/oip/doj-guide-freedom-information-act-0>
- Office of Information Policy Court Decisions database: <https://www.justice.gov/oip/court-decisions?topic=All&body=Electronic+&date%5Bvalue%5D%5Bmonth%5D=&date%5Bvalue%5D%5Byear%5D=>
- DOJ, Office of Information Policy's website on FOIA Resources: <https://www.justice.gov/oip/foia-resources>
- DOJ, Office of Information Policy's website on FOIA Guidance: <https://www.justice.gov/oip/oip-guidance>

REQUEST NO. 3: A log of DEA FOIA requests for 2021 and 2022, noting which requests raised unusual circumstances. This can be superimposed on publicly available FOIA logs.

Response: Defendants object to this Request as vague as it pertains to the term “log.” Defendants further object to this Request as unduly burdensome and not relevant to any of Plaintiffs’ allegations in this matter or proportional to the needs of the case: to the extent that this Request (1) seeks information that is not maintained by the agency or (2) requires the agency to modify existing documents or (3) requires the agency to create documents that do not exist.

Without waiving these objections, Defendants respond as follows: Information responsive to this request is produced by Defendants electronically and identified by Bates numbers DEA000355-DEA000356.

REQUEST NO. 4: Processing notes for each of Plaintiff's requests.

Response: Defendants objects to this Request as vague as it pertains to the term “Plaintiff's requests.” Defendants further objects to this Request to the extent that it seeks information protected by the attorney-client or attorney work product privileges, is pre-decisional or protected by the deliberative process privilege, or invades the personal privacy of individuals not a party to this lawsuit. Defendants interpret this Request as asking for processing notes to the twelve FOIA requests Plaintiffs

submitted to DEA that form the basis of Plaintiffs' claims in this matter.

Subject to this interpretation and without waiving these objections, Defendants respond as follows: all non-privileged documents that are responsive to this Request are produced by Defendants electronically and identified by Bates numbers DEA000357 – DEA000416.

REQUEST NO. 5: Documents sufficient to show internal budgeting on FOIA compliance/staffing in 2020, 2021, and 2022.

Response: Defendants object to this Request as vague as it pertains to the terms “sufficient,” “internal budgeting,” and “compliance/staffing.” Defendants object to this Request to the extent it is not relevant to any of the Plaintiffs' allegations in this matter or proportional to the needs of the case. Defendants further object to this Request on the grounds that it seeks information that is pre-decisional or protected by the deliberative process privilege or invades the personal privacy of individuals not a party to this litigation (*e.g.*, individual salary information).

Without waiving these objections, Defendants respond as follows: all non-privileged documents that are responsive to this Request are produced by Defendants electronically and identified by Bates numbers DEA-000417 – DEA00420.

The information for 2022 is currently in process and will be available on this website: <https://www.justice.gov/oip/reports-1>

Dated: December 28, 2022

Respectfully Submitted,

ALAMDAR HAMDANI
UNITED STATES ATTORNEY

/s/ Jimmy A. Rodriguez
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CERTIFICATE OF SERVICE

I certify that on this 28th day of December, I served the foregoing on the following via electronic mail:

Matthew Zorn
mzorn@yettercoleman.com

Respectfully submitted.

s/ Jimmy A. Rodriguez
Jimmy A. Rodriguez
